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International Court of Justice

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Official transcript of the International Military Tribunal in the matter of the United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering, et al, Defendants, sitting at Nurnberg, Germany, on 18 March 1946, 1000-1300-Lord Justice Lawrence, presiding.

HERMANN WILHELM GOERING -- resumed.

DIRECT EXAMINATION -- continued.

THE PRESIDENT: Had Dr. Kubuschok finished his cross examination?

DR. KUBUSCHOK: Yes, Mr. President.

THE PRESIDENT: Very well. Then were there any other defendants' counsel who wish to examine or cross examine?

DR. KRAUS: Dr. Kraus for Dr. Luedinghausen on behalf of the defendant von Neurath. I ask your permission to put the following questions.

Q At the Munich conferences Hitler allegedly put the following question. "What was to happen if the Czechs said, that the Czechs would not agree to German occupation of Sudetenland, and should that supposedly be answered in the affirmative, then who would force them?" Is that correct?

A This question was actually broached by the Fuehrer during the discussion, and Ministerpresident Daladier said, in substance, what you have just said. I do not recall the exact words. I remember fairly exactly that he emphasized that from now ow a decision in that direction had been reached by the great powers, and it had been reached with the purpose of maintaining peace; from now on there could be no further assistance on the part of the Czechoslovakia to endanger the peace. If anything to the contrary should happen, neither England nor France would feel themselves duty bound if the Czechoslovakia people would not follow this advice; they would not consider themselves duty bound to help them.

Q Witness, as long as I recall, I saw Mr. von Neurath but briefly, very briefly when he was the German Ambassador to Denmark in 1919, and, besides that briefly at the time. Later I met him personally before the taking over of power, and spoke to him then but briefly, and that was my closest relationship with him for some time after the taking over of power.

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Q Did you know about his activities as Ambassador at London, did you know anything about that?

A Yes. I knew of his activity and of his capacity there, but I knew about his activity even in the previous or prior days, that is, 1931 and 1932, before he was the foreign minister, when there was talk of a possible formation of a government, the name von Neurath was mentioned as a candidate even though he did not belong to the Party, or anything of a matter of foreign relation, his name was mentioned nevertheless; and, in this connection the basic reason for his being mentioned for this position as an Ambassador at England was the chief motivating factor of Hitler. For that reason this meant that Hitler, as well as myself, were of the opinion that the connections of von Nuerath as Ambassador were very cordial, so far as the British Government was concerned, and von Neurath had a very vital interest in that connection, and such a connection was very vital to Hitler.

Q Then I may assume that Mr. von Neurath was on cordial relations with London?

A Yes, you may consider it so.

Q Can you tell me if Mr. von Neurath beyond that as Foreign Minister continued his cordial and peaceful relationships?

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A When von Hindenberg put the condition I here mentioned, that Mr. von Neurath would have to become Foreign Minister the Fuehrer was very well-satisfied with this condition and agreed readily. He was satisfied with this appointment for the reason that he saw this task was in good hands; that von Neurath would keep good connections and von Neurath made every effort to do so.

Q I would like to put questions of a different nature to you now.

Were you present at the meeting of the Reichscabinet on the 30 of January, 1937, during which Hitler gave a Golden Party decoration to those who were not members of the Party?

A Yes, I was present.

Q And do you know that at the same time Hitler said that it was purely a decoration such as the bestowing of an order and these gentlemen were not to be taken into the Party or were not to have obligations toward the Party just because they received this decoration?

A I would not put it just that way. The Fuehrer said simultaneously since it was the anniversary of the taking over of power it was his intention to show his confidence to those members of the Reichscabinet and those who did not belong to the Party and he would like to show it in that way and I believe he used the words, "I would ask you to take this Party emblem." At that time he mentioned as far as he was concerned that he considered it an order and that he intended to, and which he later did do, develop this order further. The first level of this order was to be the Golden Party emblem. Simultaneously he stepped up to the various ministerss and gave them this emblem. He neither emphasized herewith that they should or should not consider themselves members of the Party nor did he emphasize that they were not Party members.

When he came to von Elz, this gentleman asked whether with this acceptance he would commit himself with certain clerical circles. The Fuehrer hesitated for a minute and said, "You do not wish to do that?" Then von Elz said, "I do not wish to express myself that way. I just wanted to add a reservation to my taking this emblem." The Fuehrer was taken aback, turned around and left the room.

In this connection it is not correct that von Elz resigned voluntarily

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because of this. I left immediately after the Fuehrer and followed him and felt as all the other gentlemen that it was rather strange on the part of the Fuehrer since membership in the Party was not the topic of conversation. In addition, and this is very important, the Fuehrer had the plan to divide the Ministry of Transportation and to resurrect the old Postal Ministry and to take the expert of railroads, Dertmueller into the Ministry of Transportation. The Fuehrer had told me this previously and left it to me to tell von Elz this gradually and in a diplomatic way.

At this point I said, "von Elz, your behaviour is impossible and I believe the only thing for you to do is to resign at this point." He said, "I do not mean it that way" and he did not wish to resign. I was equally abrupt with him as he was and asked him to resign that same evening since Secretary Meissner told me to see him again and that it was expedient for him to leave the cabinet and resign immediately. Then I made the remark as to the postal authorities and the railroads which I have made.

That was the significance of the Golden Party emblem at that conference.

Q Witness, were you present when Hitler, on the 11 of March, 1938, in the evening, told von Neurath about the marching of troops into Austria and told him the reasons for this move and asked that the Foreign Ministry be informed of that because he himself was leaving?

A I mentioned in my remarks about Austria that Foreign Minister von Ribbentrop was not present. Since the Fuehrer had given the Reich leadership to me I had asked him to ask von Neurath to put his knowledge of foreign matters at my disposal. Von Neurath was asked to come to the Reichschancellory I believe it was in the evening. I rather broad scope the Fuehrer told him what you have just outlined. It was as follows:

If I needed it and requested it he was to advise me on foreign matters for it was to be expected that some foreign political matters would occur, such as protests and notes, which would come in during the absence of the Fuehrer. As long as the Foreign Minister was not present and since I was not versed in diplomatic matters and notes I needed such advice.

Q Then it was to follow that von Neurath was not the deputy of the Foreign Minister but just in his absence was to serve as an adviser to you?

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A He was not the deputy of the Foreign Minister; that would not have been in keeping with his position and his rank. The deputy of the Foreign Minister was the acting State Secretary; I believe it was Mackensen. He was the one who signed all correspondence and so forth and in the absence of the Foreign Minister was only at my disposal in such foreign political matters as were expected to come up in the absence of the Foreign Minister.

Q You know of the protest which came in on the 11 of March, 1938, from the British Ambassador and which was addressed to von Neurath in which the British Ambassador protested against the marching in of German troops?

A That is not extraordinary or unusual. On the evening of the marching in of the troops I personally, as I have already said, conversed with the British Ambassador and told him on that occasion that the Fuehrer was going to Austria the next day; that I would administer the Reich and for that purpose would consult von Neurath as a foreign political adviser whom I had requested. Henderson had made hints that there would be protests forthcoming. Therefore, I wished to inform the British Ambassador the evening before and from this piece of information we can see that he then turned to von Neurath, since I had emphasized to him that -- "If you come around with your notes of protest I personally cannot do very much in that connection."

Q Did von Neurath, after the Foreign Ministry had formulated the answer to the protest, notify you by telephone of this procedure and did he ask you whether you would sanction and sign this reply as the deputy of Hitler?

A That, of course, is so because I was the Deputy Head of State. He had to show me the reply and it is also a matter of course that I told him, "Sign the note for as Deputy Head of State I cannot sign diplomatic notes in that capacity."

Q Thank you very much.

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BY DR. SERVATIUS (Counsel for the Political Leadership Corps):

Q Witness, in what connection and how far did the political leaders know of the intentions as far as foreign relations were concerned? How far in advance were they informed by the Fuehrer?

A Political leaders is a very comprehensive concept. It includes everyone from the Reichsleiter to the Blockleiter or Zellenleiter, and as to informing the entire body as far as foreign political matters are concerned, such an informing never took place and it could not take place since the Fuehrer made no utterances except the public ones which he made over the radio to the entire people.

On the position of these political leaders, they were never called in one body to discuss political intentions which the Fuehrer had and which he had not already made public. He may have told one or the other of the political leaders who, at the same time, had another position of state, or who was close to him in another way. He might have told such a man of his intention as a personal matter, but I would have to really think about that, in which case it was so.

However, he never spoke to them in general. Retrospectively, after events had taken place, he spoke to the Gauleiters and referred to matters which had taken place, and talked about the political intentions which he, of course, had laready realized at that time.

DR. SERVATIUS: I have no further questions.

BY DR. HORN (Counsel for the defendant von Ribbentrop):

Q Witness, do you know how much von Ribbentrop knew about military plans and intentions in his capacity as Foreign Minister?

A I do not know the exact details. In general, I can say the same principle applies, that only those people and officers who were responsible for carrying out the policies were initiated into the plans. Just how much the Fuehrer told von Ribbentrop on occasion about military plans, I did not know.

Q Is it correct that Hitler set down the guiding principles of all policies, including foreign policies?

A That is a matter of course. Foreign policy especially was the

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Fuehrer's own realm. By that I mean to say that foreign policy on the one hand, and leadership of the Wehrmacht on the other hand had the greatest interest of the Fuehrer and were his main work.

Q May I conclude that he was interested in the particulars of foreign policy?

A He was especially interested in the particulars, as I have already stated, in both of these directions.

Q Did Hitler prohibit you from making public the memorandum of the 30th of August, 1939?

A He did not prohibit me from that expressly. I do not know whether he knew that I had it in my pocket, but generally he prohibited any such publication in that he prohibited the one who was to have given it, and that was von Ribbentrop, from making it public or giving it out, so that I had this memorandum against the express wish of the Fuehrer. I transmitted it, andmy transmitting it was a tremendous risk, and I beg of you not to misunderstand me, I assume this responsibility.

Q You mentioned a few days ago the influence which the various personalities had on Hitler. Do you know any facts from which we might conclude that von Ribbentrop had no influence on Hitler?

A As far as influence is concerned, influence on the Fuehrer is something which is very hard to define. I would like to confide myself to the question at hand, the influence of Ribbentrop on the Fuehrer.

As to influence in the sense that von Ribbentrop could have led him or influenced him in any way, that is what he certainly did not have. However, as to arguments of an objective nature set forth about his intentions and how they might, in a decisive way, influence him to do something or not to do it as far as foreign political matters were concerned, or influence him to change his ideas, their influence was dependent on the strength of theargument and of the facts. I cannot answer for the role that anything like that played for I was not present at 99 per cent of the conversations between the Fuehrer and von Ribbentrop.

As to influence in the sense that von Ribbentrop could have said, "Do this," or "Don't do it", I do not consider that he had such influence. If the Fuehrer was convinced of any matter, Ribbentrop never had any influence.

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Q Do you know any facts or observations which might point to a conspiracy in the upper circles of the government?

A "Conspiracy" may be variously interpreted. In the sense that men would secretly and in the dark have talked about secret plans, that, of course, never took place. As to conspiracy in the sense that the Fuehrer had comprehensive conferences and as a result of these conferences decided to do certain things, you may mention a conspiracy only in that connection, and I beg of you again not to misunderstand me. Through the years, as to those conversations which took place, say, between '41 and '45 between the Fuehrer and myself could have conspired. No one else is concerned.

Q American propaganda spoke of the intentions of aggression on the part of Germany toward the Western Hemisphere. What do you know about those facts?

A The Western Hemisphere? Do you mean America?

Q Yes.

A Even if Germany had completely dominated Europe, between Germany and the American continent there are, as far as I recall from my geographical background, 6,000 kilometers of water. With the smallness of the German fleet and the continuous lack of ability to cover this distance, the threatening of the American continent was never spoken of. On the contrary, we were always afraid of the danger from the other side and would have been very glad if we had not had to worry about such a danger.

As far as South America is concerned, I know that in that connection in the line of propaganda, we were accused of economic penetration in that direction. If you consider these financial conditions which Germany had before the war and during the war, and compare Germany's conditions with those of Britain or America, we can conclude the impotency of that attitude. With the very little foreign exchange and the tremendous difficulty of export which we had, we could never compete or endanger them. If that had been the case, the attitude of the South American countries would have been different. The mark was not the determining factor there, but the dollar.

DR. HORN: Thank you.

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BY DR. SIEMER (Counsel for the defendant Raeder):

Q The Prosecution is in possession of the diary of Jodl under the number 1809-PS. In this diary there are two entries concerned with the first half of 1940, to which I would like to refer, and on which I would like to have your attitude. These two entries concerned Russia at a time when Germany and Russia were on friendly terms.

These brief entries are as follows -- and I would like to add that the substance of the intentions which are contained in these entries sound rather fantastic, and that is why I would like to have your attitude as the Comman in Chief of the Luftwaffe.

I would like to quote the first entry dated the 13th of February 1940:

"Have learned from Admiral Canaris that the echelon Reivel is to be put to use against the Caucasus with bulk from Bulgaria. The Air Force must explain with whom this false idea originated."

The second entry, the 3rd of May, 1940, reads as follows, and I quote verbatim:

"Fuehrer rejects request of the Luftwaffe to set up a listening post in theCaucasus."

I request you to tell me whatthoughts you, as Commander in Chief of the Luftwaffe, had in connection with these plans and what facts were at the basis of your thoughts and plans.

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A If the entry was on the basis of intelligence or reports by Canares, who was the chief of foreign counter-intelligence and if they were entered by Jodl in connection with the special intelligence corps, Brobillion, I would like to say that because of his connection with this corps, to whom he gave counter-intelligence or espionage tasks, and this squadron which I wanted to have especially secret but he heard of this. I told the high command of the Wehrmacht what the intentions of this squadron was. My intention -- and I had personally decreed my intention was a very definite and clear one -- the expression that it was to do reconnaissance in the Caucasus, Syria and Turkey would have been much more correct. But this mistake may have happened in the report being transmitted by Canares. I had received more and more reports or intelligence that in the direction of Asia Minor there were to be enterprises against both Russian oil fields of the Caucasus, in the region of Baku, and so that the transporting of oil to Germany would be interrupted.

As Commander-in-Chief of the Luftwaffe I was the one chiefly interested in the bringing in of Roumanian and other oil, and the oil on the basis of trade agreement was coming in from Russia and the Caucasus. At that time we did not have any synthetic oil and if there had been any disturbance in one of the importing centres my Luftwaffe would have been damages very heavily. In this connection I had to be extraordinarily alert, following the reports which I had regarding the disturbing of the oil situation in the Caucasus, I had the situation checked and found that in Syria there was an army under General Weygand which had the name, "Orient Army," but I was interested more in the grouping of flight squadrons in the Syrian area, not only French but English squadrons, and besides as a member -- as far as the intentions were, to establish French-British squadrons. I received these reports through confidential information in Turkey because there had been negotiations with Turkey, that is, regarding flying over Turkey, to bomb Baku, to damage the Russian oil fields, and to eliminate them as factors of help to Germany.

This was the British-French intention, I knew, and I was duty-bound to keep myself informed as to what was going on in Syria byitself. There was no purpose in knowing that aircraft were massing there at that point, and at that time. It was no theatre of war. There was no damage from Germany. On the contrary, it could have been understandable if all British and French aircraft had been in those countries, because they were needed there.

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Then if my intelligence observed that the airdromes in Syria were reinforced and that reinforcements were always taking place in Turkey, this was an emphasis on the alleged intentions. If and when I was cognizant of these facts I had to call the attention of these matters to the Fuehrer, that there was danger to Germany from Russia, and the same purpose was served by the second entry, not in the Caucasus but to erect them near the Caucasus. It was intended to have secret radio stations in the direction of the general flight line, Syria, the Caucasus, Baku, East Turkey, to have two or three of these stations to determine whether in these directions preparations and flight by French-British aircraft was being carried out, that is, whether intelligence or reconnaisance on the oil fields was being carried, so that we might have a clear picture in this direction.

At that time I did not have the conclusive and final proof in my hands. I kept everything back on my desk, concerned myself only with the things concerned with my own sector of the Luftwaffe and waited until I could get a clear picture of the whole situation. Later, after the French campaign was concluded, there was a confirmation of these intentions through the finding of confidential reports and reports on the council of war between England and France, that my intelligence had been exactly correct and that an extensive bombardment of the total Russian field was planned and to have it done with lightning rapidity, so that the elimination of the Roumanian oil fields was also planned, the intention had been communicated to the Roumanian Government but it had been prevented.

Q I understood you correctly to say that these plans had been made by Britain and France generally and that the intelligence you received was to the effect that the attacks on the oil fields were to be direct against the then neutral Russia, as well as against Germany, because all oil supplies would be cut off?

A Yes, that is true.

BY DR. BOEHM (Counsel for the S.A.):

Q Witness, is it true, as the Prosecution accuses you, that you were leader in the SA?

A I was not Reichsfuehrer of the SA. There was no such position or such title.

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In 1923 I was a commandant of the SA which at that time was present only to a varying and small degree in Wurttemburg.

Q For how long were you commandant?

A Up until November, 1923.

Q Was that from 1921 --

A From the beginning of 1923 to the end of 1923.

Q Was the connection between the leadership of the SA with the informing of such people of orders -- how was your influence before 1923 and then after 1923? What influence did you have?

A Please repeat the question.

Q What was your influence as far as the leadership of the SA was concerned, or the informing -- before1923 and after 1923?

A From the beginningof 1923 until November my influence was complete and absolute, that is, I gave my instructions direct. After 1923 I had no intervention and no interference with the SA and did not doit.

Q How was it before 1923? Was the relation before 1923 the same as after?

A I have already mentioned, until November, 1923, I was the commandant of the SA and had the authority to give instructions. After 1923 I had no more authority to give instructions or orders. After 1936 I believe I was connected with the SA in an honorary capacity, but without giving any orders; I had no occasion to give any orders.

Q In the course of your testimony during the last week you referred to the SA people, and you said that they were always ready to make great sacrifices. What was the visible nature of these sacrifices?

A Sacrifices of the SA men were that they gave their entire time without being reimbursed, gave their free time to the party; that they did without family life or recreation, so that in the period of our difficult time, when we had trouble at meetings, they were always at the disposal of the party. And I considered this a sacrifice, for the members of the SA were workers and very small people who had very little time, which they really needed for recreation; but they were always ready in every way to serve the party and to serve the ideal of the party.

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Q Did these people receive material promises?

A None at all.

Q Is it correct that, after the taking over of power there were Communist provokers who came into the SA? Is it correct that especially after the taking over of power Communist provokers sneaked into the SA?

A That was a very strange matter. After the taking over of power we acted against Communists, which they had really expected, and especially in large cities where it was easier large numbers of the organization of the Red Front entered the Party. It was very easy for them to do that, since the then head of the SA, Roehm, arbitrarily took people into the SA who did not have to be members of the Party, a prerequisite which had existed before. Anyone could have come into the SA without belonging to the Party. At the same time the German National Party started a political combat organization called the Green Shirts, and just like the Steel Helmets, another organization, they were taken into the SA.

I remember personally one day that four to five hundred of these people assembled at the Wilhelm Strasse to receive their membership in the SA. I saw these people from my window and noticed that we were concerned with elements which did not belong. I had some of the Schutzpolizei come up to check. Ninety-eight per cent of the people had their Red Front certificates in their pockets.

THE PRESIDENT: Dr. Boehm, the Tribunal considers that this is all cumulative to what the Defendant has already said in his examination in chief. He has given us a long account of the SA in his examination in chief. He has added nothing in the course of what he is now saying.

DR. BOEHM: According to the Prosecution, it is stated that the SA was made up of terror gangsters, and I believe myself duty-bound to correct this statement and to clarify this matter.

THE PRESIDENT: That has nothing to do with what I said. It may be that the Prosecution may have said that. Probably they have. What

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I was pointing out to you was that the Defendant Goering has been all over this ground in the evidence he has already given and the Tribunal does not wish to hear twice the same evidence.

DR. BOEHM: Yes, this may apply to my first three questions.

BY DR. BOEHM:

Q Witness, I would like to ask, how did you influence the SA in connection with the Versailles Treaty? Did you tell these people that a revolution was to be taken peacefully or by war?

A This question is unusually difficult to answer. If in 1923 I made a speech before the SA men I could not very well use diplomatic language and talk about diplomacy. They would not have understood me. Every little SA man was not concerned with the "how" of things. That was the problem of the leadership. I didn't say, "I will obligate myself never to have a war for you," that we are completely a pacifist organization, and that we are only interested in doing away with Versailles for a protest. But, on the other hand, I did not say either we want to march in war during the next few years. In reality I did not tell them anything. I said that they would have to be obedient, to have confidence in the leadership, and to leave it to the leadership just what was to be done, and that anything the leadership would do would be right. Every SA man knew from my speeches and from my party program how I felt about Versailles, and it was the wish of every decent German to get away from Versailles.

Q According to your knowledge beyond 1923, let us say from 1921 to 1945, was the SA informed as to the following things, that is, the leadership of the SA as well as each individual member; that the NSDAP intended after the taking over of power to rule other states, to make war with this purpose in mind, and disregard the rules of war and the laws of humanity?

A I do not quite comprehend just how the SA, its leadership, is pictured. It is impossible that anyone can say, "Listen, we wish to dominate and subjugate all other states," and that anyone can

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further say that we will always make war, that we will murder and act as inhumanly as possible, and that in no case will we ever pay attention to any law of war. I cannot imagine that anyone but an insane person would have made utterances of this nature toward the SA or anyone else.

The SA in no form was ever politically informed. The SA was told, "You will march tomorrow or the day after; you will distribute leaflets and pamphlets," and other things.

Q During the time of the taking over of power there were frequently excesses on the part of the SA. Were measures of individual members concerned in this, or were these measures according to the decrees of the SA leadership?

A Never, according to the decrees of even the middle or top leading officers. In an organization of a million young people there will always be a certain percentage of rowdies, especially in large cities, as I mentioned just a little while ago. There will always be provokers or agents, and individual or particular excesses will occur. That is entirely inevitable.

Q Did the SA leadership sanction special actions of the SA membership?

A I have already stated that I had very little to do with the leadership of the SA. I don't believe so, however.

Q Is it correct that the Police were prohibited from acting against excesses of individuals?

A In the beginning it wasn't the case. By that I mean, on the contrary, that the police took orders in this direction. They had strict orders to interfere, and their Police President of Berlin, who wasn't of the Party, Admiral (Retired) von Lewitzon, intervened very strongly, and the intervention may have been the reason that two years later, because of complaints of the Berlin Gauleiter Goebbels, he was replaced by the Fuehrer.

Q How was it later on? I believe you just said, "In the beginning it wasn't so." Was it different later when the police were

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prohibited from acting against the SA?

A No, it is not to be taken that way. The excesses of individual men were always curbed by the police. Many SA men were convicted.

Q In the Prussian police system, and in the police system the other states had, were SA members used only, or wasn't it that all Germans who at that time wished and volunteered to enter the police system were examined and investigated and used accordingly?

A There was a cleansing of the police, a cleansing according to our concept, and by that we meant we investigated which elements were very strong for the Party and which were still influenced by hostile parties so that their use was no longer tenable, and these people were no longer used. But that was a very small percentage, in comparison with the total number of police. The Schutzpolizei were people who were uniforms. They were increased, and voluntary applications came from all sides. Of course the relatives of the existing membership were favored, but many of them were taken in who were not in the organization, and those who came from the organization had to take special adaptability tests that were given them. Some of them did not make the grade and were not taken.

This is the system as far as I was connected with the police. What happened later I cannot tell you exactly.

Q Is it correct that the SA after 1934 chiefly was used in emergency measures and in physical training, that they were used to shovel snow, to clean up bomb damage, and so forth?

A After 1934 the significance of the SA declined tremendously. It can be understood, for their chief task which they had before the taking over of power did no longer exist after the taking over of power, and they were used in the activities just set forth. During the war they had a para-military task, and after the war it was to be the chief background for the various military clubs or veterans clubs. It was to be a melting pot of the various veterans' organizations, and that was to be its final use.

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Q Do you know that the Steel Helmets, in an agreement between the Fuehrer and Sauckel, were taken into the SA reserve in a body?

A Yes.

Q Is it correct that similar to the Steel Helmet organizations, after 1933, through the so-called Gleichschaltung, or coordination, these riding clubs were taken into the SA?

A I believe that is correct.

Q Was the SA leadership and its membership before or after 1933, or at any time, informed of the decisions taken in the Cabinet?

A I already said a few minutes ago just how the leadership of the SA was to be considered. The answer is, of course, no.

Q The Prosecution asserts in connection with aggressive war and the participation of the SA in such a war that the SA took part in this preparation, in that before the war annually 25,000 officers were trained by them in special schools. Do you have any knowledge of that?

A The training of officers of the Wehrmacht was handled solely by the Wehrmacht and in Wehrmacht schools, and I cannot understand how the SA would have been technically or militarily in a position to train officers for the Wehrmacht. In addition, it seems to me that the training of 25,000 officers a year seems to be highly exaggerated as far as the needs of the Wehrmacht were concerned. It would have been very nice if we had had that many, but it cannot be true that we had this number for several years, and it is no more true than that the SA trained officers. The training of officers was done by the Wehrmacht solely and alone.

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Q Some men seem to have been trained. Can you tell me where these men were trained and for what purpose? Do you know anything about Fuehrer schools?

A Yes, there were fuehrer schools for every organization. Every organization had its schools where those were trained who in their eyes were to have leading positions. I can only imagine that the Prospectuion is perhaps confusing -- or perhaps wish to say that some of the SA leaders had preliminary military training; that is, they were trained in the reading of charts, but that is beyond the scope of my knowledge.

Q May I ask you to tell me the connection of the "Feldherrnhalle" to the SA and the Wehrmacht? There was a regiment by the name of "Feldherrnhalle," can you tell me the connection:

A After the SA had various "Standarten" from the Fuehrer, these units were really military units, as for instance, the "Leibstandarte", the Body Unit. The SA leadership requested to be granted one unit which it might arm, such as with rifles, so that it might use this unit as a parade unit, and this unit was called "Feldherrnhalle". The SA leader Luetze suggested to the Fuehrer that he make me the head of this unit, as a position of honor. We considered it a position of honor to be the head of such a unit. When I saw this unit for the first time -- I believe at a Party rally at Nurnber - it impressed me especially because there were many selected and very nice looking young men.

I was not grateful to the SA for the position they gave me, for when I saw this beautiful unit I dissolved this unit and took it into the Luftwaffe and made my first paratrooper unit, so that after a brief existence, this unit was a regiment of the Luftwaffe.

I believe that this was rather unpleasant for the SA, and it was quite some time before the SA leader undertook to have another unit by the same name, "Feldherrnhalle", and he made this unit very much smaller, and they stood guard for the top SA leadership, and he did not make me the leader of this unit a second time.

Q According to my information, personal information I received from an SA gruppenfuehrer and other information which I had through reading, the "Feldherrnhalle" was not armed until it came into the Luftwaffe. Is that correct?

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A No, that is not correct. I do not believe I can say under oath, but I believe they received rifles shortly before they were taken into the Luftwaffe, just rifles, but as I said before, I can not tell you exactly.

In this connection, I would also like to mention, because the Prosecution mentioned this point -- I would like to emphasize that this regiment was a paratrooper unit which was used in the action "Gruen" and had been intended to be used. Since this "Aktion Gruen" -- that is, the Sudetenland -- was solved peacefully, after the occupation of the Sudetenland, we had maneuvers and had the men jump, but purely for purposes of maneuvers, and this was the landing at Freudeuthal which the Prosecution has mentioned. At that time they landed in blue uniforms, and, as could be easily seen, they were a regiment of the Luftwaffe. As a matter of courtesy, I attended this demonstration.

Q In the war, did the SA ever have a strategic or practical role when it came to the deployment of manpower?

A No, the SA as such was never used within the Wehrmacht as an SA unit in a tactical or any other way. They were never used in combat. It may be that toward the end in the "Volkssturm", perhaps a few SA men were.

Q Is it correct that the SA in the occupation of Austria, of the Sudetenland and the Czech state, that they were operating with the Wehrmacht?

A That case was handled by the Austrian SA. They were used as auxiliary police. The Austrian Legion, which was in the Reich was, according to my express orders and according to the express wish of Seyss-Inquart, held back and not used and was used only after the absolute consolidation of the Austrian situation and was returned home. How far units of the SA were used in the Sudetenland after the zone was given over to Germany, I do not know. I heard that Sudeten Germans were involved who had to flee prior to that time and who were now returning. When the Czechoslovakian state was occupied, I can not see that closed SA units would have had any part in the marching in of our troops.

Q Could the members of the SA have known that possibly, according to the intention of the SA leadership, they might be used for the execution of penal measures?

A I did not quite get the substance of your question.

H0086-0021

Q Could the members of the SA know that according to the intention of the SA leadership, they might possibly be used to commit crimes?

A Of crimes, never.

Q Now, I have a last question, but I believe that in a certain sense you have already answered that question. Were the members of the SA cognizant of the aims of the SA? Did they know them at any time, or could they be known to them, or should they have been known to them? Or could these men have known that the intention of the SA or of the leadership might be that crimes would have to be done -- things which are considered by the Prosecution as crimes against humanity and against the peace?

A I have already answered these questions.

THE PRESIDENT: The Tribunal will adjourn now for ten minutes.

(A recess was taken)

H0086-0022

DR. BOEHM: Mr. President, I should like you to permit me to ask a few more basic questions, namely, the question of honorary leadership in the SA.

BY DR. BOEHM:

Q There were honorary leaders of the SA, namely, obergruppenfuehrers down to sturmfuehrers. Witness, I should like you to tell me what significance these honorary leadership posts had, particularly in regard to permission to issue orders to the SA, and altogether what its influence could be.

A The honorary leaders of the SA were appointed by the most heterogeneous sort of standard. They had a loose representative function, that is to say, they functioned and represented the SA at Party meetings. They were by no means active members of the SA and were not informed of any internal activities of the SA. Their function was purely decorative.

BY DR. MERKEL (Counsel for the Gestapo)

Q Witness, can one say that the Gestapo in the year 1933, when it was created by you, was a national-socialist fighting organization or was it rather an administrative organization such as the criminal police or other state organizations?

A I emphasized that this is a purely state organization in order to support the police that then existed. At this time there was not even the slightest connection with the Party; the Party had no influence or command-control or any other such thing over the Gestapo. It was exclusively a state institution. The members who were present in it already or who later came into it were ordinary state officials.

Q Did this condition change after Himmler took it over, until 1945, so far as you know?

A Until 1934 it was exactly as I described it, then it became stronger as it was expanded and took in elements of the SS. But these elements had to pass an examination, then they became officials and remained officials. Then I heard later that nothing changed so far as this official character of the members was concerned, but gradually in the course of the years officials, whether they wished it or not, had to take on some rank in the SS; so that leading Gestapo officials who until the year 1937 or 1940 had nothing to do with the SS and who had come from the previous time, that is to say, from previous Weimar police, nevertheless, they remained officials, that is to say, the Gestapo was an insti

H0086 - 0023

tution composed of officials.

Q Do you know anything about whether or not Himmler, after the seizure of power in his capacity as police president, also had something to do with the leadership of the criminal police in Bavaria?

A So far as I know and so far as I have already said Himmler was first of all police president of Munich very shortly, one or two weeks, then he called himself police commissar of Bavaria; and after a month or six weeks I don't know what he called himself, what his title was, but de facto he became chief of police of all German countries, with the exception of Prussia.

Q You said previously that the officials of the Gestapo were taken into the SS. Did this happen voluntarily or was some cohersion put on them in order to bring about this membership?

A I heard this only from individual officials whom I had known before and who knew about this. They were not taken into the SS, but they received an official rank in the SS. It was Himmler's idea that the SS and Gestapo, both of which he was the leader, that they should be amalgamated. What the individual instances were I can not say. Perhaps I did not state this exactly correctly before, but I did to the best of my knowledge.

Q You said before that the officials in the year 1933 from the political police that existed at that time were taken into the state police. Was this done after their voluntary application or were they commanded to do so? -- simply transferred in individual cases? -- or were they agreeable to it?

A It is not correct for you to say that the officials of the political police were simply incorporated into the Gestapo; rather in this sector, they were, because there was a political police representative there in opposition to us and that situation had to be removed. Subsequently new people came in and the number was considerably enlarged. These new officials were taken from the other police departments; criminal, political, and other; and as I have already stated were in part brought in from the outside after careful scrutiny of their political orientation. Now, to what extent actual replacements took place, -- Mueller, for instance, was replaced, -- that I do not know. I do not believe that there were many such replacements, since I had nothing to do with the Gestapo after I had once established its general policy.

H0086 - 0024

Q Do you know Obergruppenfuehrer Mueller, the Chief of Amt IV in the RSHA?

A I knew him.

Q Do you know that he and his immediate staff originated in the political police before 1933?

A I do not know that; I knew only that he came from Bavaria.

Q Did you know that the secret police did not take part in the excesses on the 9th of November 1938?

A I have always been of the conviction that they did not take part in that, but I saw here a document which at least instructed them not to interfere.

Q If I understand you correctly, you said exactly that on the 9th of November, after your return to Berlin, you called up the chief of the Gestapo. Did this communication take place only because you wanted more precise information or did it happen because you thought the Gestapo had had some active participation in these excesses and in carrying them out?

A If I had been of the conviction that the Gestapo had taken an active part in these activities I certainly should not have inquired of them. I commissioned my collaborators to find out through the Gestapo, because it had the necessary connections, or through the criminal police. That was indifferent to me. I could only turn to the chief of the police and commission my collaborators to provide me with a report of exactly what had happened.

H0086 - 0025

Q Is it correct that when you surrendered your positon as Chief of the Police to Himmler, that such behavior was unworthy of the German Police and that drastic measures would be adopted towards police members who were guilty of such acts?

A I did, when I surrendered that office, and in my speech there are such passages in it.

Q Did you know that there was an order from the RSHA, after your resignation -- that an order existed, according to which every officer was forbidden to commit any such violent act?

A What orders were issued after my resignation, I do not know.

Q Do you know anything about the fact that there was never an order to treat prisoners violently?

A I could only say with absolute certainty that I didn't know of such order or permitted such order, but otherwise I was outside of Purria. I had no connection with what orders might have been issued then or were not issued; that lies outside my knowledge.

Q Do you know anything that, contrary to this order, actually, generally in the Gestapo, such events did take place or could you say that if they did happen, could it have been only excessive on the part of individuals?

A At that time I was immediately concerned in the Gestapo and at that time, as I often stated, such excesses did take place and punishments did take place. The officials know, in other words, that if they did such things they ran the danger of being punished. A large number of them were punished and what happened later, I cannot supply information on.

DR. MERKEL: No more questions.

DR. BABEL: Dr. Babel for the SS and SD.

BY DR. BABEL:

Q Witness, did it have to be the same conditions for honorary membership in the SS as in the SA?

A Yes.

Q Do you know what these conditions were?

A No.

H0086 - 0026

Q Was there the possibility of refusing that appointment?

A I believe so.

Q Did you know that the greatest development of the Waffen SS took place after 1939?

THE PRESIDENT: The light has shewn three times since you have been addressing your questions to the defendant.

BY DR. BANEL:

Q I repeat. Do you know what the reasons for the growth of the Waffen SS, after the year 1939, were?

A The first revision of the Waffen SS was to include the best human material in the SS and who fought very bravely. The Fuehrer then gave future support to Himmler's suggestion that the Waffen SS be further enlarged. The army and also the air force just about protested against this because this skimming off the best of the fighters from the army and the air force left a number of those who were also eligible for the Fuehrer Corps. The Fuehrer originally did not want any other carrier of arms but the Wehrmacht, to any extent, but agreed more and more to Himmler's requests in this direction. When it became more and more difficult to find reserves during the course of the war, Himmler more or less deceived the Fuehrer with the statement that he was in a position to provide a large number of SS divisions, and so on. This, of course, was a welcome piece of news to the Fuehrer since he needed troops badly but as a matter of fact, Himmler was using altogether different methods than those of voluntary enlistments. First of all, Himmler created on paper a number of new SS divisions and transports and he said he did not have the people for these divisions, and we heard that he had taken his deputy leaders from other SS divisions and put them in these new divisions and for this and that reason, and the necessary reserves were not here at the time, and the army and air force were those who bore the brunt of this; he had to recruit from the ground forces and from the anti-aircraft batteries. This aroused much dissatisfaction from my personnel in the air force because none of them wanted to join this organization of Himmler's voluntarily. The Fuehrer then commanded that even from reserve units of the army and of the navy, men should be surrendered to the SS. I can only think of that part that

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was taken from the air force by coercion and I should judge, without documentation, that there were 50,000 such men so recruited. Then, because this aroused such excitement, I arranged that all those who were used for ground fighting in the future should not belong to the SS but should be incorporated into new parachute divisions. The Fuehrer agreed because in the last phase of the war, the parachute units proved to be the most useful and the strongest and was superior to the SS in fighting ability and resistance. From that time on no further contingents of the air force were incorporated into the SS and, so far as I know, no more SS divisions were created.

DR. BABEL: No further questions.

DR. LATERNSER: Dr. Laternser, for the General Staff and the OKW.

BY DR. LATERNSER:

Q Witness, what was the attitude of the General Staff of the Army toward the waging of an aggressive war?

A Their opinion was purely professional, that is to say, the General Staff examined all the possibilities of the waging of a war and this was its job. Its attitude towards its own activity was one -- and I must emphasize -- which was very retiring and modest. At this time I must mention the fact that most of the officers' staff had come from ~~a high sphere~~ **the Reichswehr and that through the 15 years of its development its orientation had not been** ~~that had been developed through fifteen years, and in regard to the waging of war were not predominant. They were of such a sort that these men could~~ **toward the waging of war. These men were of such a sort that they could** not well imagine in general their waging a war. Thus , the General Staff of the army was much more modest in this regard, almost pacitifistic when one compares it with general staffs in general.

Q Do you know generals or admirals who wanted war?

A No.

DR. LATERNSER: No further questions.

THE PRESIDENT: Do the Chief Prosecutors wish to cross-examine?

H0086-0028

CROSS EXAMINATION

BY MR. JUSTICE JACKSON:

Q You are perhaps aware that you are the only living man who can expound to us the true principles of the Nazi Party and the inner workings of its leadership?

A I am perfectly clear on that subject.

Q You, from the very beginning, together with those who were associated with you, intended to overthrow, and later did overthrow, the Weimar Republic?

A That was my firm intention.

Q And upon coming into power, you immediately abolished parliamentary government in Germany?

A It was no longer necessary. But I should like to emphasize the fact that we were also the strongest party parliamentarily speaking, yet you are correct that, to this extent, the parliamentary government was disbanded.

Q You established the leadership principle which you have described, a system under which authority existed only at the top and is passed downward and is imposed on the people below, is that correct?

A In order to avoid any misunderstanding, I should like to explain it once more as I understand it. In previous German parliaments, the responsibility resided in the highest offices and it represented the anonymous power of the whole. In the Fuehrer's principle we arranged for the opposite of that, and the authority went from above to below and the permission was given from the lowest to the above.

Q In other words, you did not believe in and did not permit Government as we do, in which the people, through their representatives, are the possessors of power and authority?

A That is not entirely correct. We repeatedly called on the population from time to time to express their opinion of our system, only by a different way that was previously used, and in a different way that is used in other countries. We also were of the point of view that, of course,

H0086 – 0029

H0086-0030

A Let us understand this correctly. We lived long enough through that period of opposition. It was now time not to be a party of opposition, but to build up.

Q After you came to power, you -- if necessary in order to maintain power -- suppressed all opposition parties?

A We found it necessary that we permit no opposition to us.

Q And you also held the theory that you should suppress all individuals opposed to your party lest it should develop into a party of opposition?

A So far as opposition is concerned in any form, the opposition of each individual person was not tolerated unless it was a matter of unimportance.

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Q Now, in order to make sure that you suppressed the parties, and individuals also, you found it necessary to have a secret political police to detect opposition?

A I have already stated that I knew that to be necessary just as previously the political police existed. Only, we did this on a stronger and larger degree.

Q And upon coming into power, you also considered it immediately necessary to establish concentration camps to take care of all incorrigible opponents?

A I have already stated that the idea of the concentration camps did not arise in such a way. One might say that there were a number of people in opposition to us who should be taken into custody. The idea arose as an immediate measure against the Communist Parties who were attacking us in thousands, and we could not accommodate them in prisons, so it was necessary to erect camps.

Q But you are explaining, as a higher authority of this system, to men who don't understand the system at all, and I want you to tell us what was necessary to run the kind of system you set up in general and you, as one of the powers, should be able to tell us what made it necessary, as you saw it?

A I am afraid that was disorderly translated, but I can still answer you. You asked me if it was necessary to establish camps in order to eliminate opposition, is that correct?

Q Your answer is yes, I take it?

A Yes.

Q You may state also, in explaining this system, what persons were entitled to public trials -- you issued an order that your political police would not be subject to court review or to court orders, did you not?

A You must discriminate two categories; those who had committed any act of treason against the new state and they, of course, were turned over to the courts. The cases, however, of whom one could expect such acts, were taken into proper custody and those were the ones who went up in

H0086 - 0032

concentration camps. I am now speaking of the beginning. If for any reason someone was taken into custody for political reasons, this could not be reviewed by any court. Later, when people were taken into custody for no political reasons, but because they . . . .

Q Let's omit that. I have not asked for that. I just want you to answer my question. Your counsel will have a chance to bring out any explanation that is necessary.

You did prohibit all court review, and considered it necessary to prevent court review of the reasons for taking people into what is called "protective custody"?

A That I answered very clearly, but I would like to make an explanation in connection with my answer.

MR. JUSTICE JACKSON: Your counsel will see to that. Now, the concentration camps . . .

THE PRESIDENT: Mr. Justice Jackson, the Tribunal feels that the witness should be allowed to make whatever explanation which he cares to make in answer to this question.

MR. JUSTICE JACKSON: The Tribunal feels that you may be permitted to explain your answers.

THE PRESIDENT: I did not mean that to apply generally to his answers. I meant it to apply to this particular answer.

THE WITNESS: In connection with your question that these persons could not be reviewed by the court, I want to say that was an order by the Fuehrer that those who were turned over to concentration camps were to be informed of the reasons that they were there after twenty-four hours had elapsed, and aftef forty-eight hours, or after a short period of time, they should have the right of attorney.

H0086-0033

But this by no means rescinded the order that a review by courts of political arrests was permissible. I simply wanted to give these people the right to express their own opinions on what had happened to them.

Q And protective custody meant you were taking people into custody who had not committed any crime but who you thought might possibly commit a crime.

A Yes. People were arrested and taken into protective custody who had committed no crime, but of whom one could expect that if they remained in freedom they would do all sorts of things to damage the German state.

Q Now, it is also a necessity in the kind of state that you had that you have some kind of organization to carry propaganda down to the people and to get their reactions and inform the leadership of it, is it not?

A I didn't quite understand the conclusion of that question.

Q Well, you had to have organizations to carry out orders and to carry your propaganda in that kind of state didn't you?

A Of course we carried on propaganda, and for that reason organized a propaganda department.

Q You carried that on through the Leadership Corps of the Nazi Party, did you not?

A The Leadership Corps was there to inform the people of the propaganda and our attitude.

Q Through your system of gauleiters and kreisleiters, down to blockleiters, commands and information went down from the authority, and information as to the people's reactions came back to the leadership, didn't it?

A That is correct. The orders that were given for propaganda or other purposes were passed down the line as far as necessary. On the other hand, it was a matter of course that the reactions on the part of the people were again transmitted up through the various offices, in order to keep us informed of the mood of the people.

Q And you also had to have certain organizations to carry out orders -- executive organizations, organizations to fight for you, if

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necessary, did you not?

A Administrative organizations were, of course, necessary. I don't understand exactly what organizations you mean. For what fights?

Q Well, if you wanted certain people killed you have to have some organization that would kill them, didn't you? Roehm and the rest of them were not killed by Hitler's own hands nor by yours, were they?

A Roehm -- I explained that there that was a matter of state necessity?

Q But whether it was state necessity to kill somebody, you had to have somebody to do it, didn't you?

A I also know other states where it is called secret service or something else.

Q And the SA, the SS and the SD, organizations of that kind, were the organizations that carried out the orders and dealt with people on a physical level, were they not?

A The SA never received such an order to kill people. The SA in my time did not. Later on I had no influence. The only orders that were carried out without court order that were given were against a few people in the Roehm Putsch, and this was carried out by the police or by a state organ.

Q What police?

A So far as I recall, through the Gestapo. At any rate, it received the order to fight against enemies of the state.

Q And the SS was for the same purpose, was it not?

A At this time, in north Germany, not; what the case was in south Germany I don't know.

Q Well, the SS carried out arrests and carried out the transportation of people to concentration camps, didn't it? You were arrested by the SS, weren't you?

A Yes, but I said later.

Q At what time did the SS perform this function of acting as an executor of the Nazi Party?

H0086 - 0035

A After the seizure of power the police came to be more and more in the hands of Himmler, and it can no longer be understandable to somebody outside this picture where the SS was active and where the Gestapo was active. They worked very closely, hand in hand. It is known that the SS guarded concentration camps later.

Q And carried out other functions in the camps?

A What functions do you refer to?

Q All of the functions of the camps, didn't they?

A If an SS unit was guarding a camp and an SS leader was in charge of it, then it could only be that unit that carried out all the functions necessary in the camp.

Q Now, this system was not a secret system. This entire system was openly avowed, its merits were publicly advocated by yourself and others, and every person entering into the Nazi Party was enabled to know the kind of system of government you were going to set up, wasn't he?

A Every member of the Party knew that we embraced the Fuehrer principle, knew the specific measures we wanted to carry out, so far as they were stated in the program, but every member of the Party did not know what was going to happen up to the most minute details.

Q But this system was set up openly and was well known, was it not, not as to everyone of its details. As to organization, everybody knew who the Gestapo was, did they not?

A Yes, everyone knew who the Gestapo was.

Q And what its program was, in general, not in detail?

A I explained that program in detail. At the beginning I described that publicly, and I also spoke publicly of the tasks of the Gestapo, and also those in foreign countries.

Q And there was nothing secret about the establishment of a Gestapo as a political police, about the fact that people were taken into protective custody, about the fact that there were concentration camps? Nothing secret about those things, was there?

A There was nothing secret about that at all.

H0086-0036

Q As a matter of fact, part of the effectiveness of a secret police and a part of the effectiveness of concentration camp penalties is that the people do know that there are such agencies, isn't it?

A It is true that if everyone knows that if he acts against the state he will end up in a concentration camp or will be accused before a court of high treason, that is to our advantage. But the original reason why concentration camps were created was to handle enemies of the state.

Q Now, that is the type of government, the government which we have just been describing is the only type of government which you think is necessary to govern Germany?

A I should not like to say that the basic characteristic of this government and what was most necessary about it was the immediate organization of the Gestapo and the concentration camps in order to receive our opponents. Over and above that, we had much more important things to take care of. These were not the basic foundations of our government.

Q But all of these things were necessary things, as I understood you, to protect?

A Yes. These things were all necessary because of the opposition that was present.

Q And I assume that that is the only kind of government that you think can function in Germany under present conditions?

A Under conditions then that was, in my opinion, the only possible form, and we also demonstrated that Germany could be raised in a short time from its miserable poverty to relative prosperity.

Q Now, all of this authority of the state was concentrated? Perhaps I am taking up another subject. Is it the intent to recess at this time?

THE PRESIDENT: The Tribunal will adjourn.

(A recess was taken until 1400 hours)

H0086-0037

DR. STAHMER: The witness Dahlerus has been in Nurnberg for several days and is waiting to testify. I have been advised that he must be at Stockholm by Thursday, and for that reason he requests, and I am asking the High Tribunal's permission to call him as a witness tomorrow morning. Even if the cross-examination has not been completed, the representatives of the Prosecution have agreed to my proposal.

THE PRESIDENT: Did you say the Prosecution had agreed to your proposal?

DR. STAHMER: Yes, My Lord. I contacted the four gentlemen involved and they have to a man agreed to this.

THE PRESIDENT: How long do you anticipate that the examination in chief of the witness will take? You can't answer for the cross-examination.

DR. STAHMER: I believe that I will need half a day, that is, up until tomorrow noon. Of course I cannot speak definitely, but I assume that will take care of matters.

THE PRESIDENT: His evidence is only relevant to the few days before the 1st of September 1939?

DR. STAHMER: There are two additional questions, but these questions may be answered very briefly. He seems to have made further efforts after that date, but those are very brief questions.

THE PRESIDENT: It appears to the Tribunal that half a day is a totally unnecessary time for the examination in chief of a witness who is going to speak about events during a few days before the war began.

DR. STAHMER: I cannot say exactly, Mr. President. We are not concerned with just a few days. These negotiations already started in June or July. I would like to add further that I will try to be as brief as possible and wil l try to limit myself to relevant material, of course.

THE PRESIDENT: The Tribunal agrees if the Prosecution is willing for this evidence to be interposed. The Tribunal trusts that you will find it possible to make your examination in chief much shorter than you have indicated.

HERMANN GOERING, resumed.

CROSS-EXAMINATION continued

BY MR. JUSTICE JACKSON:

Q You have related to us the manner in which you and others cooperated in concentrating all authority in the German state in the hands of the Fuehrer, is that right?

H0086 - 0038

A I was speaking about myself and how far I was connected in this direction.

Q Is there any defendant in the box you know of who did not cooperate toward that end as far as was possible?

A As far as the defendants are concerned, that none of them was in opposition or obstructed the Fuehrer in any way is of course definite, but I would like to call your attention to the fact that we must differentiate between periods of time, for the questions that are being put to me are quite general and we are concerned with a period of time, of, say, twenty-four to twenty-five years if you consider the whole picture.

Q Now, I want to call your attention to the fruits of this system. You, as I understand it, were informed in 1940 of an impending attack by the German Army on Soviet Russia?

A I have already mentioned just how far I was informed of these matters.

Q You believed the attack not only to be unnecessary but also to be unwise from the point of view of Germany itself?

A In the period of time. At that time I was of the opinion that this attack should be postponed in order to take care of more important tasks.

Q You didn't see any military necessity for an attack at that time even from the point of view of Germany?

A I saw the effort of Russia in the direction of a mobilization, but hoped to put through measures which would be useful, and thought that time would prevent a danger toward Germany. Later on I was of the opinion that perhaps at any time this period of danger for Germany would arrive and might arrive at any later moment.

Q I will only repeat my question, which I think you have not answered.

Did you at that time see any military necessity for an attack by Germany on Soviet Russia?

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A I personally believed that at that period of time, the danger had not reached its zenith; therefore, at that time, the attack might not be necessary, but I emphasize that that was my personal view.

Q And you were the Number Two man at that time in all Germany?

A It has nothing to do with my position of second importance. Two points of view were contradictory. The Fuehrer saw one danger, and the Fuehrer was the Number One man, and if you wish to put it that way, had I wished to put another strategic measure through and if my plans had gone through, then I would have become the Number One man, but since the Number One man was of a different opinion and I was only the second man, his opinion naturally prevailed.

Q I have understood from your testimony -- and I think you can answer this Yes or No, and I would greatly appreciate it if you would -- I have understood from your testimony that you were opposed and told the Fuehrer that you were opposed to an attack upon Russia at that time. Am I right or wrong?

A That is correct.

Q Now, you were opposed to it because you thought that it was a dangerous move for Germany to make; is that correct?

A Yes, I was of the opinion that the moment -- and I emphasize again that at that time the decisive moment had not come and that more expedient measures should have been taken for Germany.

Q And, again, because of the Fuehrer system, as I understand you, you could give no warning to the German people; you could bring no pressure of any kind to bear to prevent that step, and you could not even resign to protect your own place in history.

A There are quite a few questions coming together at one time, and I would like to answer the first one.

The first question was to the effect, I believe, whether I took no occasion to tell the German people about this danger. I had no responsibility in that connection. We were in the war and at war, and any difference of opinion as far as strategic problems were concerned could not be brought before the public during the course of a war. I believe that never in the

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course of history has anything like that happened.

As far as my resignation is concerned, I do not wish to debate about that, for during a war I was an officer, a soldier, and I was not concerned with whether I shared an opinion or not. I had to serve my country as a soldier.

Point Three: It was not my task to tell a man whom I had given my oath of loyalty to and to separate myself from him if he was not of my opinion. If that had been the case, I would not have had to bind myself to him, and it never occurred to me to leave the Fuehrer.

Q As far as you know, the German people were led into the war, attacking Soviet Russia, under the belief that you favored it?

A The German people knew about the declaration of war on Russia after the war on Russia had started. The German people cannot be brought in in this connection. The German people were not asked. It was notified of the fact and of the reasons for that fact.

Q At what time did you know that the war, so far as achieving the objectives that you had in mind, was a lost war?

A It is extraordinarily difficult to say that. According to my conviction, relatively late, and by that I mean at a late period of time the conviction grew within me that the war had been lost. Previous to that time, I thought we would have a chance, and I was hoping for a chance.

Q Well, in November 1941 the offensive in Russia broke down, did it not?

A That is not right at all. We had reverses because of adverse weather, and the aims that we had set out for were not won. The push-through of 1943 proved that a military collapse is not even to be thought of. Some corps which had advanced were thrown back, or were taken back, and the frost that set in before we expected it was the cause of all of this.

Q You see, "relatively late", the expression you used, does not tell me anything because I do not know what you regard as relatively late. Will you fix in terms either of events or time when it was that the conviction came to you that the war was lost?

A When the push-through of the Russian offensive of 12 January 1943

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advanced as far as the Oder, and simultaneously the Ardennes offensive was not successful, at that period of time, I thought -- and I could not think otherwise -- that slowly, in all possibility, a defeat would result. Before that period of time, I had always hoped that perhaps either at Weichsel -- the position would change toward the East or perhaps towards the West Wall and could be held until new weapons would be put in production and used in such strength so that the American air war could be weakened.

Q Now, will you fix that by date; you told us when it was by events.

A I just said January 1945, middle or end of January 1945. At that point I saw no hope any longer.

Q Do you want it understood that as a military man you did not realize until January of 1945 that Germany could not be successful in the war?

A I have already said that we must differentiate two methods, to end the war successfully and to end it otherwise. At the period of time when we could do that there are two separate points. The fact that a defeat would take place -- and I am concerned with the collapse of the date that I just mentioned.

Q For some period before that, you knew that a successful termination of the war could only be accomplished if you could come to some kind of terms with the enemy; was that not true?

A Yes, of course. A successful termination of a war is only to be considered successful if I either conquer the enemy or through negotiations come to the conclusion that I am successful. That I would call a successful conclusion.

The remaining conclusion is if I come to terms with the enemy through negotiations and I do not achieve the result which victory would have brought but which precludes a defeat on my part. That is an ending without victorious or conquered people.

Q But you knew that it was Hitler's policy never to negotiate

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and you know that as long as he was head of the government, the enemy would not negotiate with Germany, did you not?

A Hostile propaganda emphasized that they would never negotiate with Hitler; that fact I knew. That Hitler did not wish to negotiate under any circumstances, that also was known to me, but not in the same connection. Hitler wanted to negotiate if negotiations would have given him an opportunity, but negotiating which would be completely without success, he did not wish. Through the declaration of the Western Powers after the landing in Africa that under no circumstances would they negotiate with Germany but were interested in forcing an unconditional victory, the resistance of Germany was stiffened to the utmost and had to be organized as such. If I have no chance to conclude a war through negotiations, then negotiations are senseless, and I must try by using weapons to bring about a change in these conditions.

Q By the time of January 1945 you also knew that you were unable to defend the German cities against the air attacks of the Allies, did you not?

A The defense of German cities against Allied bomb attacks -- I will try to give you a picture of the possibility.

Q Can you not answer my question? Time may not mean quite as much to you as it does to the rest of us. Can you not answer Yes or No? Did you then know at the same time that you knew that the war was lost that the German cities could not successfully be defended against air attack by the enemy? Can you not tell us Yes or No?

A I can say that I knew that at that period of time it was not possible.

Q And after that time, the air attacks which were continued against England were well known to you that they could not turn the tide of war and were designed solely to effect a prolongation of what you then knew was a hopeless conflict?

A I believe you are mistaken. After January there were no attacks, except perhaps a plane at a time, because at that time I needed all of my fighters for defense. If I had had any bombers and oil, the, o f course, I would have used them up until the last minute to attack as reprisals for

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attacks which wer being carried out on German cities. It would not have had anything to do with our chances.

Q What about robot attacks. Were there any robot attacks after January 1945?

A Thank Heavens we still had weapons, one weapon, that we could use. I have just set forth that as long as the fight was going on, we had to give return blows and as a soldier I can only regret that we did not have enough of these V-1's and V-2's, for this was the only means which perhaps would bring about an easing of the situation of the enemy attacks on our cities, if we were able to use reprisals against them.

Q And there was no way to prevent the war going on as long as Hitler was the head of the German government, was there?

A As long as Hitler was the Fuehrer of the German people, he determined solely and alone the war leadership. As long as the enemy threatened us with the fact that he would accept only unconditional capitulation, I fought up until the last breath, for that was the only thing that was left to me to perhaps have a chance to turn fate, even though it looked hopeless.

Q Well, the people of Germany who thought it was time for the slaughter to stop had no means to stop it except revolution or assassination of Hitler, did they?

A A revolution changes a situation: that is, if the revolution is successful. The murder or assassination of Hitler at that period of time, say January 1945, would have brought about my succession. If the opponent had given me the same answer, an unconditional surrender and those terrible conditions which had been handed out, I would have continued fighting under all circumstances.

Q There was an attack on Hitler's life on 20 July 1944?

A Unfortunately, yes.

Q And there came a time in 1945 when Hitler made a will in Berlin whereby he turned over the presidency to your co-defenda,t Admiral Doenitz. You know about that?

A That is correct. I read of this testament here.

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Q And in so making his will and turning over the government of Germany to Admiral Doenitz, I call your attention to this statement: "Goering and Himmler, quite apart from their disloyalty to my person, have done immeasurable harm to the country and the whole nation by secret negotiations with the enemy which they conducted without my knowledge and against my wishes and by illegally attempting to seize power in the state for themselves."

And by that will he expelled you and Himmler from the Party and from all offices of the state.

A I can only reply for myself. What Himmler did I do not know.

I neither betrayed the Fuehrer nor did I at that period of time negotiate with even one foreign soldier. This will or this document of the Fuehrer's rests on an unfortunate mistake and a mistake which grieves me that the Fuehrer could believe in his last hours that I would ever be disloyal to him. It all rests on a mistake of the transmission and perhaps on a wrong picture which Bormann gave to the Fuehrer. I never thought for a minute to take over power illegally or to act against the Fuehrer in any way.

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Q In any event you were arrested and expected to be shot?

A That is correct.

Q Now, in placing the rise to power of the Party you have omitted some such thing, as for example, the Reichstag fire of the 27th of February 1933. There was a great purge following that fire, was there not, in which many people were arrested and many people were killed?

A I am not familiar with one case, where even one man was killed because of the Reichstag fire other than those who were convicted through a court. The other two were exonerated, and it was not as you believed the other day, that we incriminated Thaelmann as a Communist leader. He was also exonerated as well as a Bulgarian man by the name of Dimitrov. Arrests did take place in connection with the Reichstag fire, but they were comparatively few. The arrests which you refer to are the arrests of Communist functionaries, and I have stated repeatedly, and wish to emphasize at this point, they were completely independent of this fire, and would have been arrested nevertheless; the fire just accelerated their arrest, and some of the functionaries escaped.

Q In other words, you had lists of Communists already prepared at the time of the Reichstag fire of persons who should be arrested, did you not?

A We had lists of Communist functionaries who were to be arrested. We had established those lists prior, and they were entirely independent of the Reichstag fire.

Q They were immediately put into execution?--the arrests, I mean, after the Reichstag fire?

A Contrarywise to my intention to delay these actions for a few days and have them go through regular channels, the Fuehrer wished to take care of those matters during the night and immediately to have all those arrests made at that time.

Q You and the Fuehrer met at the fire, did you not?

A Yes, that is right.

Q And then and there you decided to arrest all the Communists that you had theretofore listed?

A I would like to emphasize again the decision for the arrests had been established several days prior, but the action of immediate arrest took place that same night. I would rather have waited a few days, then some of the more important men would not have been able to escape.

H0086 - 0046

Q And the next morning the decree was presented to President von Hindenburg suspending the provisions of the constitution which we have discussed here, was it not?

A I believe, yes.

Q Who was Karl Ernst?

A Karl Ernst--whether his first name was Karl I can not say exactly--was the SA leader or fuehrer of Berlin.

Q And who was Helldorf?

A Graf Helldorf, Count Helldorf, was a later fuehrer or leader of Berlin.

Q And Heines?

A Heines was the SA leader of Silesia at that period of time; I must stress that point.

Q Now, it is known to you, is it not, that Ernst made a statement confessing that these three burned the Reichstag and that you and Goebbels planned and furnished the incendiary materials consisting of liquid phosphorus and petroleum which was deposited at a subterranean passage by you for them to get, which passage led from your house to the Reichstag Building. You knew of such a statement, did you not?

A A statement by the SA leader Ernst I do not know; but I do know that a story was published in the foreign press by the chauffeur of Roehm. This happened after 1934.

Q But there was such a passage from the Reichstag Building to your house, was there not?

A On one side of the street is the Reichstag Building, and opposite is the palace of the Reichstag president. There is a chamber for coal cars to pass through, coal which was needed in the central heating system.

Q And in any event, shortly after this Ernst was killed without a trial and without a chance to tell his story, wasn't he?

A That is not correct. The Reichstag fire took place in February 1933. Ernst was shot on the 30th of June of 1934. Together with Roehm he had prepared a putsch against the Fuehrer. He had quite a bit of time to make statements regarding the Reichstag fire if he had wished to do so.

Q Well, he had begun to make statements, hadn't he, and you were generally being accused of burning the Reichstag? You knew that, didn't you? That was the . . .

H0086-0047

A This accusation came from the foreign press, from a certain foreign press, that alleged that I fired the Reichstag; but that did not concern me because it was not consistent with the facts; it was not of advantage to me to fire the Reichstag. I am sorry from the point of view of art that the building was burned, and did not wish to construct a new one; but I was sorry. But I was forced to find a new meeting place for the Reichstag meetings, and since I did not find one my Kroll Opera building, the second state opera, had to be used for that purpose. And it seems to me that the opera was much more important there than the Reichstag.

Q Have you ever boasted of burning the Reichstag Building even by way of joking?

A No. I used a joke, if that is the one you are referring to, in that I said I would not wish to rival Nero. It will soon be said that I appeared in a red toga carrying a lyre in my hand and stood opposite the fire and played, and that was the joke. But the fact was that I almost died in the flame, and that would have been very unfortunate for the German people but very fortunate for her opponents.

Q You never stated then that you burned the Reichstag?

A No. I know that Mr. Rauschnigg, as I later heard, said in his book that fires were started in various places and that I had discussed this possibility with him. I only saw him twice, and that was very briefly, in my entire life. If I had fired the Reichstag I would have let that known to just ver very few people, but I would not have told it to a man whom I did not know at all and about whom I can not tell you today how he looked. I would not have uttered any statements to him. That is an absolute distortion of the fact.

Q Do you remember the luncheon on Hitler's birthday in 1942 at the Kasino, the officers' mess, at the headquarters of the Fuehrer in East Prussia?

A No.

Q You don't remember that. I will ask that you be shown the affidavit of General Franz Halder, and I call your attention to his statements which may refresh your recollection. I read it:

"On the occasion of a common meal on the birthday of the Fuehrer in 1942, the people around the Fuehrer turned the conversation to the Reichstag Building and its artistic value. I heard with my own ears when Goering shouted

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that everything that is written down here is utter and complete nonsense. It says the only one who knows the Reichstag--I am that one; but the Reichstag was known by every representative in the Reichstag. The fire was in the central arena, and hundreds of thousands of people knew it as well as I did. An utterance of that type is utter nonsense. How Halder came to make that statement is entirely un-understandable, to me, and I can not feature how he would make such a statement.

Q Can you tell us what position he held in the German Army?

A I know it very well. He was chief of the General Staff of the Army, and I repeatedly pointed out to the Fuehrer, after the war started, to find a chief who knew something about such matters.

Q Now, the Roehm purge you have left a little indefinite. What was it that Roehm did for which he was shot? What acts did he commit?

A Roehm wanted an act against the state at which the Fuehrer was to be killed. Also, he wished to start a revolution which was chiefly concerned against the Army, the Officer Corps, and everything else which he considered to be reactionary.

Q And you had evidence of that fact?

A We had sufficient evidence to that effect.

Q But he was never tried in any court where he would have a chance to tell his story as you are telling yours, was he?

A That is correct. He wanted to bring about an act of a revolutionary nature, and the Fuehrer considered it correct and right to choke back this thing in its beginning; not through a court, but through a beating-down of this revolt from the beginning.

Q Were the names of the people who were killed in that purge, following the arrest of Roehm, ever published?

A Some of the names, yes, but not all of them, I believe.

Q Who physically killed, if you know, Roehm?

A That I don't know, who personally carried out this action.

Q To what organization was the order given?

A That I don't know. The shooting of Roehm was decreed by the Fuehrer and not through me, for I was competent--had my jurisdiction in northern Germany.

Q And who took into custody those who were destined to concentration camps, and who were taken in?

A The police carried on the arrest of those who were to be interrogated; those who had not been incriminated too strongly and about whom we did not know how far they were initiated into the plans or were not initiated. Some of these people were taken in right away and some of them were released later on. Just how many were arrested at that time I can not tell you. The arrests were made by the police.

Q The Gestapo, you mean?

A I assume so.

Q And if Milch testified that he saw seven or eight hundred in Dachau in 1935 there must have been a very much larger number arrested, since you say many were released. Do you know the number that were arrested?

A I wish to state again I do not know just how many were arrested or the number of arrests which were considered necessary, for I was not concerned with that matter; my responsibility ended on the date when the revolt was beaten down. I understood Milch a little differently, and sent a note to my counsel to show or clarify through a question or through a motion whether Milch meant by this seven hundred people that he saw seven hundred people who had been arrested or seven hundred with the members of their families. But to clarify this statement we would have to question Milch again, for I believe five, six, or seven hundred to be far too high for the total people who were arrested in connection with the Roehm purge.

Q Among those who were killed was von Schleicher and his wife, who was one of your political opponents, was he not?

A That is right.

Q And also Erich Klausner, who had been chief of the Catholic Action of Germany?

A Klausner was among those who were shot, and the case of Klausner motivated me for requesting the Fuehrer to stop this action, for in my opinion Klausner was not innocently . . .

Q And Strasser, who had been the former number two man to Hitler and had disagreed with him in December 1932 -- Strasser was killed, was he not?

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A Strasser was not, as we say, the second man after Hitler. He had an extraordinary important role before the taking over of power, that is, within the Party, but before the taking over of power he was banned from the Party. Strasser was participating in this revolt, and he was also shot.

Q And when it got down to a point where there were only two left on the list yet to be killed you intervened and asked to have it stopped; is that correct?

A No, that is not entirely correct. I thought I had made myself clear, and I repeat not when there were just two left I intervened, but when I saw that many were shot who were not concerned with this matter at that point I intervened; and when I did so two personalities were left who had participated strongly and whose shooting the Fuehrer had decreed, one of whom the Fuehrer considered one of the chief instigators and about whom he was very, very much upset. I wish to say I said to the Fuehrer, "Dispense with executing these two men and stop the whole thing immediately," and it is to be understood that my statement is to be understood that way.

Q What date was that? Did you fix the time?

A Yes, I can give you a definite time. As far as I recall the decisive day was Saturday evening between six and seven. The Fuehrer arrived by plane from Munich, and my request for stopping the action is to be placed on Sunday, between two and three in the afternoon.

Q And what happened to the two men who were left on the list--were they ever brought to trial?

A No. One, as far as I remember, was taken into a concentration camp, and the other was temporarily taken into a sort of house custody, if I remember correctly.

Q Going back to the time when you met Hitler, you said that he was a man who had a serious and definite aim; that he was not content with the defeat of Germany and with the Versailles Treaty; do you recall that?

A I am very sorry, the translation was rather inadequate and I do not quite follow the question. I wonder if you would care to repeat it?

Q Maybe it is the question that is inadequate. When you met Hitler, as I understand your testimony, you found a man with a serious and definite

H0086 - 0051

aim, as you said, in that he was not content with the defeat of Germany in the previous war and was not content with the Versailles Treaty.

A I believe you did not quite understand me correctly, for I did not say things in that order. I did set forth that I noted that Hitler had a definite view of the impotency of protest; and as a second point that he was of the opinion that Germany should be freed from the peace of Versailles. It was not only Adolf Hitler, every German, every patriotic German had the same feeling, and since I was a glowing patriot as a glowing patriot I felt that the shame of Versailles was unbearable, and I identified myself with the man who thought the same as I, who saw the results which would come through Versailles, and that he perhaps would take the right way to set this Treaty of Versailles aside. But everything that was said in the Treaty of Versailles, if I may say so, was just empty chatter.

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Q So that if I understand you, from the very beginning, publicly and notoriously, it was the position of the Nazi Party that the Versailles Treaty must be set aside and that protest was impotent for that purpose?

A From the beginning, it wasthe aim of Adolf Hitler, and for those of us in his movement, to free Germany of the shock of Versailles; by that we meant, not from the total Treaty but from those terms which were strangling Germany and which were to strangle Germany in the future.

Q And to do it by war, if necessary?

A We did not even debate about those things at that time. We debated only about the first condition, whether everyone else talked about the peace of Versailles, but we Germans always speak about the Dictate of Versailles. The first question was to achieve and establish a different political structure for Germany which would enable Germany to object against the Dictate and not only a protest, an objection, but objection of such a nature which would actually be considered.

Q That is it: that was the means; the means was the reorganization of the German State but your aim was to get rid of what you call a "Dictate of Versailles?"

A The freeing from those terms of the Dictate of Versailles which for a continued period of time would make German life impossible and that was the aim; and in that connection, we did not say we shall have to have a war and defeat our enemies; this was the aim, and the methods had to be adapted to the political situation.

Q And it was for that end that you and all of the other persons who became members of the Nazi Party, gave to Hitler all power to make decisions for them and agreed in their oath of office to give him obedience?

A Again, I had several questions put to me. I am now coming to question one. The battle against the Dictate of Versailles was, for me, the most decisive factor in my joining the Party -- for others, other points may have been more vital and may have beendecisive for them; for the Fuehrer, to give him all power, that was not a condition to get rid of Versailles but was motivated through our concepti n of the leadership principle; to give him our oath was, under the then existing conditions, a matter of course, that

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is, to give him our oath before he became Head of the State -- those of us who considered themselves his inner leadership circle. I do not know and I cannot tell you just how the giving of the oath before the taking over of power was carried through. The only thing I can tell you about is what I did. After a certain period of time, after I got to know the Fuehrer and his personality, I gave him my hand and told him "I wish to lock my fate with yours, come what may, for better or for worse; if it means my head, my head is included, "and that is included today, here.

Q If you would answer three or four questions for me yes or no, than I will be quite willing to let you give your version of this thing. In the first place, you wanted a stronger German State to overcome the conditions of Versailles.

A Yes, we wanted a strong government disregarding Versailles, but to set aside Versailles, the State had to be strong, for a weak State was never listened to; that, we knew from experience.

Q And the Fuehrer's principle you adopted because you thought it would serve the ends of a strong State?

A Correct.

Q And on this aim, which was one of the aims of the Nazi Party, to modify the conditions of Versailles was a public and notorious aim in which the people

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generally joined -- it was one of your best means of getting people to join with you, was it not?

A The Dictate of Versailles was of such a nature that every German, in my opinion, was for its modification and there was no doubt that this was a strong inducement for joining the party.

Q Now, a number of the men who took part in this movement are not here and -- for the record -- there is no doubt in your mind, is there, that Adolf Hitler is dead?

A I believe there is no doubt in that connection.

Q And the same is true of Goebbels?

A Goebbels, I have no doubt about that for I know from someone, whom I trust completely, who told me that he witnessed Goebbel's death.

Q And you have no doubt of the death of Himmler, have you?

A I am not exactly certain but I believe that you should be all the more certain, for he died in your internment. I was not there.

Q You have no doubt of the death of Heydrich, have you?

A I am definitely certain about that.

Q And probably of Bormann?

A I am not absolutely certain in this connection. I have no proof. I do not know but I assume so.

Q And those are the chief persons in your testimony, who have been mentioned as being responsible -- Hitler for everything; Goebbels for inciting riot against the Jews; and Himmler, who deceived Hitler (this morning); and Bormann who misled him about his will?

A His influence on the Fuehrer varied with time. The chief influence on the Fuehrer was, if I may mention influence on the Fuehrer at all, was up until the end of 1941 or the beginning of 1942, and that chief influence was I. Then my influence gradually decreased up until 1943, and from 1943 on it decreased speedily. All in all, I do not believe anyone had anywhere near the influence on the Fuehrer that I had, beyond or outside of myself. If there was influence from the beginning, in certain directions Goebbels, with whom the Fuehrer was together quite a good deal --this influence varied temporarily

H0086-0055

and would be light at certain points and was increasingly large in the last four years. A certain influence before the taking over of power -- Hess had influence before the taking over of power and after the taking over of power, and that is in his special field only. In the course of years Himmler's influence grew; after the end of 1944, this influence decreased rapidly and the decisive influence during the war on the person of Hitler and especially from the year 1942 on, after Hess had been eliminated in 1941, and after a year had elapsed, that was influence by Bormann, but this was a disastrously strong influence. It was possible only since after the 20th of July, the Fuehrer had a very strong mustrust and Bormann was with him constantly and told him everything, pictured everything to him. That, in a rather sketchy way, I described the personalities who had influence on Hitler at one time or another temporarily.

H0086-0056

Q You took over a special intelligence work in 1933 which was devoted to monitoring the telephone conversations of public offices and others inside and outside of Germany, did you not?

A I have said that I had a detective system which "monitored", as you said, the telephone conversations of important foreigners to and from abroad, telegrams, wireless communications, which not only came from Germany and went into foreign countries, but those that went through Germany. Monitory of all phone conversations was; first, of all important foreigners; second, important firms; and third, personalities who for any reason were being supervised for political or police reasons.

In order that no abuse on the part of the police went unpunishable, this office, which was to monitor the telephone conversations, had to have my personal permission, and uncontrollable monitoring was possible and is possible. We are aware that is being done today.

Q You kept the results of those reports to yourself, did you not?

A No, it was as follows. Those reports which the Fuehrer's office was interested in were released to the Fuehrer's office. Those reports which were important to the Fuehrer went to the Fuehrer, and those reports which were important to the military went to the Ministry of War, or to the air ministry, or whichever ministry might be involved.

My deputies and I decided which report was to be sent to each office. There was a man who was responsible that these secret reports went to the chief office. I could decree that these reports would be for my own knowledge and no one else would come into possession of them.

Q You had a good deal of difficulty with other police authorities who wanted to get possession of this instrument, did you not?

A That is correct. It is correct that the police were interested in getting this instrument into their hands, but they did not receive it, and perhaps now and then they did some similar monitoring, but the decisive monitoring which was done through my authority, that I could only decree.

Q You have listened to the evidence of the prosecution against all of the defendants in this case, have you not?

A Yes.

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Q Is there any act of any of your co-defendants which you claim was not responsible, necessarily, to carry out the plans of the Nazi Party?

A Those are just assertions of the prosecution and they are not facts which have been proven, and if these assertions are mentioned, I must say that quite a few acts were not necessary.

Q Will you specify which acts, of which defendants, you claim, were beyond the scope of the principle of the Nazi Party?

A It is a very difficult question which is almost impossible to answer without proof or reference to my records.

DR. STAHMER (Counsel for the Defendant Goering): Mr. President, I object to that question. I do not believe that judgment in such a general scope can be answered.

THE PRESIDENT: Mr. Justice Jackson, the Tribunal thinks that the question is somewhat too wide.

BY MR. JUSTICE JACKSON:

Q You have said that the program of the Nazi Party was to rectify certain injustices which you considered in the Treaty of Versailles, and I ask you whether it is not the fact that your program went considerably beyond any matter dealt with in that Treaty?

A The program contained a number of other points which were not concerned with the Treaty of Versailles.

Q I call your attention to a statement in Mein Kampf, which reads as follows:

"The boundaries of 1914 do not mean anything for the future of the German nation. They did not represent either a defense of the past nor did they represent a power in the future. The German people were not supported .. nor do these battles appear, from a military standpoint, appropriate or militarily fair."

That is all true, is it not?

A I would have to re-read the original passages to determine if it is exactly as you have read it. I assume what you have read is correct, but we are concerned here with a notation in a public work and not with a party progra

Q The first country to be absorbed by Germany was in Austria and not

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a part of Germany before the first WorldWar and had not been taken from Germany in the first war, is that correct?

A The program said clearly and definitely -- it is concerned with Versailles only since, in this case, such determination which had been proclaimed had been influenced upon after it was denied.

Q The second territory taken was Bohemia, then Moravia, and then Slovakia. These were not taken by Germany by the Treaty of Versailles,

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nor were they part of Germany before the first World War?

A Concerning these territories, the same applies to them as applied to Austria. As far as we are concerned with Bohemia and Moravia before the Versailles Treaty, they were not considered part of the German land, but before that time they were connected with the German Reich.

Q You still have not answered my question although you have answered everything else. Were these territories not taken?

A Of course Austria, through the Versailles Treaty, was taken away. These territories, with the Treaty of Versailles and the Treaty of St. Germain could have become German property through the determination right of the people.

Q You have testified, have you not, on interrogation, that it was Hitler's conviction that the United States would never go to war even if they were attacked, and he thought the isolationists of that country would keep it out of any war?

A This interrogation must be entirely incorrect and that is the reason why I refused, from the beginning, to give my oath before the German interrogatories without having seen the German notes so that I could determine whether these translations were correct. Only once, during these interrogations, did I receive a copy, a correct transcript of what I said, and I signed it page by page. This was a Russian transcript. And I know these pages.

I would like to clarify this statement. I said that the Fuehrer said that he did not believe in the beginning that America would intervene in the war, but I, on the other hand, from the beginning, was of the opinion that America, under any circumstance, would intervene in the war.

If you will permit my saying so, I never made any such statement.

Q Do you know Wannegrinn?

A He is a Swede whom I have seen two or three times.

Q You talked with him about this ubject, have you not?

A About the subject of America entering the war, no. I talked about other matters.

Q You told him that a democracy could not mobilize and would not fight, didn't you?

H0086 - 0060

A I didn't tell him any such nonsense. For we had one democracy as our chief enemy, and that was England, which we were fighting at that time, and I spoke to him when the war with England was in full swing.

H0086-0061

Q You have testified on interrogation, if I understand you correctly that there were at all times two basic ideas in Hitler's mind, either to ally himself with Russia and seek increase in living space through the acquisition of colonies, or to ally himself with Britain and seek acquisition of territories in the east. But in view of his orientation, he would very much preferred to ally himself with Great Britain, is that true?

A That is correct. I would like to refer to the book "Mein Kempf," where these things were established by Hitler.

Q Now, as early as 1933 you began a real program to rearm Germany regardless of any treaty limitations, did you not?

A That is not correct.

Q All right; tell us when you started.

A After our suggestions of disarmanent were refused - the suggestions made by Hitler; that is, after our departure from the disarmament conference. He made several suggestions to limit, but these suggestions were not taken seriously, and at that point he undertook to rearm. At the end of 1933 some slight preparations were started by me as far as air was concerned, and perhaps in the direction of a uniformed police I took over the auxiliary police, but I had the responsibility for that personally.

Q Well, then, the militarization of the police auxiliary was not a state affair. It was your personal affair. What do you mean by that?

A I beg your pardon. Not the auxiliary police: of the Schutzpolizei. By that we meant we had a police which wore uniforms, which was concerned with police matters, of punishing; and, second, which were grouped in formations which were at disposal but which were not created by us which were assisting when we took over power. But these were in units, and the armed Schutzpolizei had barracks. I made and strengthened a military instrument out of that branch, in that I took them, removed them from police duties, trained them militarily, and gave them heavier munitions. I meant that that was my responsibility. These formations were taken into the Wehrmacht as regular parts of the Wehrmacht.

Q I want to ask you some questions from your interrogation of the 17th day of October, 1945. I will first read you the questions and answers as they

H0086 - 0062

appear in the interrogation, and I shall then ask you whether you gave those answers, and then you can make the explanations if you desire, I assume. The interrogations reads:

I wanted to ask you today about some of the economic history of the period. When was the armament program first discussed, that is, the rearmament program? What year?

Answer: Immediately; in 1933.

Question: In other words, Schacht had assumed the obligation at that time already to raise funds for the rearmament program?

Answer: Yes. But, of course, in cooperation with the Minister of Finance.

Question: During the years 1933 to 1935, before general conscription came in, naturally, the rearmament was a secret rearmament, was it not?

Answer: Yes

Question: So that monies that were used outside of the budget would have to be raised by some secret means not to be known to foreign nations?

Answer: Yes, unless they could be raised from normal army funds.

Question: That is to say, you had a small budget for the standing 100,000-man army which was open, and the rest of the rearmament had to be from secret sources?

Answer: Yes.

Were you asked those questions and did you give these answers, in substance?

A Just about; generally correct. I have to say, though, first, I was asked as to when rearmament had been discussed, not when it had been started. It had, of course, been discussed already in the year 1933, because we were sure at once that something had to be carried out different by our government than others. That is to say, demands that the others disarm, and, if they do not disarm, that we should rearm. These things required discussion. The conclusion of the discussion and reorganization into a clear order was carried out after all attempts to disarm the others had failed. As soon as the Fuehrer had recognized that his proposals were not being accepted under any circumstances, of course a gradual rearmament got underway. He had no reason about whatever we did in the way of armament to inform the world

H0086 - 0063

about it. We had no obligation to do that, nor was it opportune.

Mr. Schacht, in the year 1933, in the beginning, could not raise funds, because in the beginning he had no function. That also referred to a later date. And here it was a matter of course that the funds be raised through the Minister of Finance and the President of the Reichsbank, according to the orders of the Fuehrer.

We left no doubt that if the other side would not disarm we had to rearm. That was clearly expressed in our articles since 1921, and, therefore, for all the world.

Q Isn't it a fact that on the 21st of May, 1935, by a secret decree, Schacht was named Plenipotentiary for the War Economy?

A The date, if you will kindly read the decree to me, I could tell you exactly. I do not have the dates in my head, especially if they do not have anything to do with me personally, but that can be seen from the decree.

Q At any event, shortly after he was named he suggested you as commissioner for war materials and foreign currency, didn't he?

A If Mr. Schacht, shortly after his appointment, suggested that, then that appointment could have taken place only in 1936, because only in December of 1936, Mr. Schacht, together with the war minister von Blomberg, made the proposals or suggestions that I should become commissar for raw materials and foreign currency.

Q Well, I ask you if you didn't give this answer to the American interrogator on the 10th day of October, 1945, referring to Schacht:

He made the suggestion that I was to become the commissioner for war materials and foreign currency. He had the idea that in that position I could give the minister for economics and the president of the Reichsbank valuable support.

Now, did you give that answer, and is that information correct?

A Once more, please.

Q Referring to Schacht, the record shows that you said:

He made the suggestion that I was to become the commissioner for war materials and foreign currency. He had the idea that in that position I could give the minister for economics and the president of the Reichsbank valuable support.

H0086 - 0064

A That is absolutely correct, with the exception of the word "Reichstag". That ought to be president of the Reichsbank.

Q Yes. That is the way I have it.

A It sounded like Reichstag president over the earphones.

Q (Reading) Moreover, he was very outspoken in the suggestion that he and Blomberg made that I was to be put in charge of the Four Year Plan. However, the idea that Schacht had there is that I myself did not know very much about economy and that he could very well hide in the protection of my broad back.

A That I said the other day quite clearly.

Q Now, from that time on you and Schacht collaborated for some time in preparing a rearmament program, did you not?

A I worked from that time on together with Schacht in economic matters as far as the entire German economy was concerned, and also the armament economy, and, of course, as a prerequisite for the establishing of the German Army.

H0086 - 0065

Q And you and he had some jurisdictional differences and executed an agreement setting up different spheres of authority, did you not?

A Yes.

Q And that was in 1937 on the 7th of July, right?

A On that day a certain suggestion was made which did not create anything final. That was in the background of the personalities and the two positions. I, Plenipotentiary for the Four Year Plan, Schacht as President of the Reichsbank, both of us had great possibilities of influencing German economy. In the case of Schacht he was a very strong personality and whilst not wanting to overemphasize my importance and disregarding whether we were friends or not, on the basis of the two positions we had to get into difficulties and one or the other had to cede finally.

Q And there came a time when he left the Ministry of the Reichsbank?

A First he resigned from the Ministry of Economy in November 1937 and as much as I know as President of the Reichsbank he resigned at the end of 1938 but I could not be certain about that date.

Q Now, there was no disagreement between you and him that the program of rearmament should be carried through, was there? You disagreed as to methods of doing it.

A I assume for Mr. Schacht that as a good German, of course, he was ready to put all his strength and ability at the disposal of Germany to reestablish Germany as a strong nation and differences could only have occurred with regard to methods because neither Mr. Schacht nor I prepared for a war of aggression.

Q And after he left the rearmament work he remained as a Minister without Portfolio and sat in the Reichstag for sometime, did he?

A That is correct. The Fuehrer desired that specifically and I believe he wanted to express his gratitude to Schacht in that way.

Q And do you recall a time when you considered the calling up of fifteen year olds, the conscription of fifteen year olds?

A During the war you mean?

Q Yes.

A That is with the Air Force, with the Luftwaffe as auxiliaries. They

H0086 - 0066

were fifteen or sixteen years old, I don't remember that exactly, which were called as auxiliaries for the Air Force.

Q I will ask you be shown Document 3700 PS (U.S.A. Exhibit 780) and ask you whether you received from Schacht the letter of which that is a carbon copy.

(Document shown to witness)

A Yes, I have received that letter. The date is not given here, that is the year. That is missing from the copy.

Q Could you fix, approximately, the date of its receipt?

A It says here 3rd of November, but according to the incident described on the other side, on the back, I assume it must be '43. On this copy the year is not given but I believe it is the year 1943 when I received this letter.

Q Did you reply to Document 3700 PS (Exhibit U.S.A. 780)?

A I could not say that today with certainty -- possibly.

Q Now, the Four Year Plan had as its purpose to put the entire economy in a state of readiness for war, did it not?

A I have explained that it had two tasks; first to assure German economy against crises, that is to say to make it independent of difficulties of export and nutrition problems. Second, to establish it as independent of any blockade, that is to say, based on the experience of the First World War, to make sure that any blockade would not have the disasterous consequences that the first one had. But that the Four Year Plan in this respect was a basic prerequisite for the reestablishment of the armament industry, goes without saying. Without it rearmament could not have taken place. The armament industry could not have been reorganized.

Q To get a specific answer, if possible, did you not say in a letter to Schacht, dated the 18th day of December, 1936, that you saw it to be your task, using these words -- "within four years to put the German economy in a state of readiness for war"? Did you say that or didn't you?

A Of course I said that.

Q Now, do you recall the report of Blomberg in 1937 in which, and you may examine if you wish Document C 175, in which he starts his report by saying:

"The geacz general political position justifies the supposition that Germany not consider an attack from any side"?

H0086-0067

(Document shown to witness)

A That may have been probable for that moment. The situation of Germany in 1937, I considered that the most quiet one. At that period, at that time the general situation was quite peaceful. But that had nothing to do with the fact that I felt obliged, independent of changing difficulties and differences, to make the German economy ready against crises or blockades which could have been brought about by war and one year later incidents of a different nature occurred.

Q Well now, doesn't Blomberg continue:

"Grouhds for this are, in addition to the lack of desire for war in almost all nations, particularly the western powers, the deficiencies in the preparedness for war of a number of states and of Russia in particular"?

That was the situation in 1937, was it not?

A That is the way Herr von Blomberg saw the situation. Concerning the readiness for war in Russia Herr von Blomberg in the same way as all the representatives of our Reichswehr, our Armed Forces, was in error contrary to the opinions which had been added from other sides concerning the armament in Russia. This is only the opinion of von Blomberg, not the Fuehrer's, not mine or not the opinion of other people.

Q That, however, was the report of the Commander-in-Chief of the Armed Forces on the 24th of June, 1937, was it not?

A That is correct.

Q You organized one month later the Hermann Goering Works?

A Right.

Q And the Hermann Goering Works was concerned with putting Germany in condition of readiness for war, was it not?

A No, that is not right. The Hermann Goering Works were concerned first exclusively with the improvement of production of German iron ore in the area of Salzgitter near Oberpfalz and after the annexation of Austria with the iron ore production in Austria. The Hermann Goering Works first established improvement on mines and foundries. Only much later steel works and rolling mills were added, and that is to say basic industry first.

H0086-0068

Q The Hermann Goering Works was a part of the Four Year Plan, was it not?

A That is right.

Q And you have already said that the Four Year Plan ahd as its purpose to put the economy in a state of readiness for war; that the Hermann Goering Works was organized to exploit ore mining and iron smelting resources and to carry the process through to completed guns and tanks, was it not?

H0086 - 0069

A No. The Hermann Goering Works had at first no armament works of their own, only, as I have to say again, the basic product, raw steel.

Q Well, at all events, you continued your efforts and on the 8th of November 1943, you made a speech describing those efforts to the Gauleiters in the Fuehrer Building at Munich, is that right?

A I don't know the date, but around that time I made a short speech in connection with other speeches made to the Gauleiters. As far as I remember it was about the situation in the air and also maybe the armament situation. I do not remember the words of that speech because I have not been asked about it since, but the fact is so.

Q Well, let me remind you if you used these terms, refresh your recollection.

"Germany, at the beginning of the war, was the only country in the world possessing an operative fighting air force. The other countries had split their air arms up into army and navy air forces and had considered the air arm primarily as a necessary and important auxiliary of the other branches of the forces. In consequence, they relaxed the instrument which is alone capable of dealing concentrated and effective blows, namely, the operative air force. In Germany we had gone ahead on those lines from the very outset, and the main body of the air force was disposed so that it could thrust deep into the hostile areas with strategic effect, while a lesser portion of the air force, consisting of Stukas and, of course, fighter planes, went into action on the front line in the battlefields. You all know what great results were achieved by these tactics and what superiority we attained at the very beginning of the war through this modern kind of air force."

A That is definitely true. I said that under all circumstances, and what is still more decisive, I acted like that, too. But in order to be sure that this is understood correctly, I would like to explain it briefly.

H0086-0070

In this statement I dealt with two separate opinions of air strategy which are still debated today and not quite clear, that is to say: shall the air force be an auxiliary of army and navy and part of either the army or navy, or should it be a separate part of the armed forces?

I have explained that nations with a very large navy find it to be understood if such a distribution takes place between army and navy, but we, consequently and quite correctly, had chosen the path that besides army and navy we had built a strong air force, and I underlined the word "strong," and I explained what part we had taken, how we came to an operative air force. As an expert I still am of the opinion that only operative air forces can bring about decisions.

I have also explained as to the proportion between two and four-motored planes, that at first I was satisfied with the two-motored planes because, first, I did not have four-motored, and then because the operating radius of the four-motored bombers was not large enough. I further pointed out that the quick termination of the campaign in Poland and in the West proved in an extraordinary way the effectiveness of the air force.

That is quite correct.

Q I remind you of the testimony of the witness Milch sworn in your behalf, as to a subject on which I have not heard you express yourself. He said.

"I have been under the impression that already at the time of the occupation of the Rhineland, he, Goering, was worried that Hitler's policies would lead to war."

Do you remember that?

A Yes.

Q And was it true or false? True or mistaken, perhaps I should say.

A No, I did not want any war, and I saw the best possibility to avoid war in a strong armament, according to the well known principle, "He who has a strong sword has peace."

H0086-0071

Q You are still of that opinion?

A I am of that opinion today because I see the complications in existence more than ever.

Q And it is true, as Milch said, that you were worried that Hitler's policies would lead to war at the time of the occupation of the Rhineland?

A Excuse me. I just understood that you asked whether it is also my opinion today that only a nation that is armed can have peace. That is what I meant to answer with my last statement.

You referred to the statement by Milch, that I was worried that the policy of the Fuehrer could lead to war. I would like to say that I was worried that war as such would come, and if possible I wanted to avoid it, not in the sense that the policy of the Fuehrer would lead to it, because the Fuehrer also desired to carry out his program by agreements and diplomatic action.

On the question of the Rhineland occupation, I was worried temporarily about the reactions, repercussions. Just the same, it was necessary.

Q And when nothing happened, the next step was Austria?

A That has nothing to dowith it, that one can be brought in relation to the other. Austria would never have caused me worries about war, as did the Rhineland occupation, because the occupation of the Rhineland--well, I could believe that a repercussion would occur there, but how any repercussions could occur from abroad after the reunion of two brother nations was not clear to me. I did not expect that, especially since Italy, who always made believe that she had a vital interest, was eliminated. England and France had no business to be concerned about the union, so there I did not see the danger of a war.

Q I ask you just a few questions about Austria. You said that you and Hitler had deep regret about the death of Dollfuss, and I ask you if it isn't a fact that Hitler put up a plaque in Vienna in honor of the men who murdered Dollfuss, and went and put a wreath on their

H0086 - 0072

graves when he was there. Is that a fact? Can't you answer that yes or no?

A No, I can neither answer it with yes nor no, if I have to say the truth, because I cannot say, "Yes, he did it," because I don't know; I cannot say, "No, he didn't do it," because I don't know that either. I wanted to say that I heard about that here and never before.

Q Now, in June of 1937, Seyss-Inquart came to you and to the Secretary of State Keppler, and you had some negotiations.

A Yes.

Q And it was Seyss-Inquart's desire to have an independent Austria, was it not?

A As far as I remember, yes.

Q And Keppler was the man who was sent by Hitler to Vienna at the time of the Anschluss, and who telegraphed to Hitler not to march in, do you recall?

A Yes.

Q That is the telegram that you characterized as impudent and senseless from the man who was on the ground and who had negotiated earlier with Seyss-Inquart, do you recall that?

A I did not designate the telegram by those words which have just been translated to me, "impudent." I said that this telegram had no influence any more and was superfluous because the troops were on the move already, or at least they had the orders; the thing was rolling already.

Q You had demanded that Seyss-Inquart be made Chancellor? Is that right?

A Not I personally wanted it, but that developed out of circumstances. He was at that time the only one who could assume the Chancellorship because he was in the Government already.

Q Now, did Seyss-Inquart become Chancellor of Austria with the understanding that he was to surrender his country to Germany, or did you lead him to believe that he would be independent, have an independent country?

H0086 - 0073

A I explained the other day that even at the moment when the Fuehrer left by plane the next morning, the Fuehrer himself still had some reservations in his mind, doubt as to whether a permanent union could be carried out, and I also said that I personally did not consider the solution far-reaching enough and I was for an absolute, direct, and total Anschluss, annexation.

I did not know Seyss-Inquart's attitude at that time for sure. At any rate, I knew that I had to consider that his attitude would be rather in the direction of still a separate form, not so far toward an absolute and total annexation, and therefore, I was very much satisfied when that finally crystallized.

Q I respectfully submit that the answers are not responsive, and I repeat the question.

Did Seyss-Inquart become Chancellor of Austria with an understanding that he would call in the German troops and surrender Austria to Germany, or did you lead him to believe that he could continue an independent Austria?

A Excuse me, but that is a number of questions which I cannot simply answer with yes or no.

First, if you ask me, "Did Seyss-Inquart become Chancellor and was that demanded from Hitler?"--yes.

And if you ask me then, "Did he become Chancellor under the assumption that he should send the telegram frr troops to march in?"--I say no, because at that time nobody spoke about the fact that he should send the telegram.

If you ask me thirdly, "Did he become Chancellor under the assumption that he would be able to maintain an independent Austria?"--then I have to say again that the final turn of events on that evening was not clear even in the Fuehrer's mind.

That is what I tried to explain.

Q Isn't it true that you expected that he might want to remain as independent as possible, and that that was one of the reasons why the troops were marched in?

H0086-0074

A No. Excuse me, there are two questions. I absolutely suspected that Seyss-Inquart wanted to be as independent as possible. The sending of troops had nothing at all to do with that suspicion, and it would not have been necessary. I gave my reasons for the sending of the troops.

Q It was never intimated to Seyss-Inquart that Austria would not remain independent until after--as you put it--the Fuehrer and you were in control of Austria's fate? Is that a fact?

A That was certainly not told to him before the Fuehrer. As far as I was concerned, it was known generally that I desired it, and I assume that he knew of my attitude.

Q Now, you have stated that you then, in conversation with Ribbentrop in London, stressed that no ultimatum had been put to Seyss-Inquart, and you have said that legally that was the fact.

A I did not say "legally," I said "diplomatically."

THE PRESIDENT: Is that a convenient time to break off?

MR. JUSTICE JACKSON: Yes, your Honor.

(The Tribunal adjourned until 1000 hours, 19 March 1946.)

H0086 - 0075

Correction of transcript - 18 Mar - M

Page 6048 is corrected to read as follows:-

A Their opinion was purely professional, that is to say, the General Staff examined all the possibilities of the waging of a war and this was its job. Its attitude towards its own activity was one -- and I must emphasize -- which was very retiring and modest. At this time I must mention the fact that most of the officers' staff had come from the Reichswehr and that through the 15 years of its development its orientation had not been toward the waging of war. Those men were of such a sort that they could not well imagine in general their waging a war. Thus, the General Staff of the army was much more modest in this regard, almost pacifistic when one compares it with general staffs in general.